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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ALYSSA FAULSTICK, on behalf of  
herself and all other similarly situated,

Plaintiff,

vs.

STATION CASINOS LLC d/b/a and a/k/a  
KAOS DAYCLUB AND NIGHTCLUB;  
RED ROCK RESORTS, INC. d/b/a and  
a/k/a KAOS DAYCLUB AND  
NIGHTCLUB;  
EMPLOYEE(S)/AGENT(S) DOES 1-10;  
AND ROE CORPORATIONS 11-20,  
inclusive;

Defendants.

Case No.:

**CLASS ACTION COMPLAINT  
(JURY DEMAND)**

**CLASS ACTION COMPLAINT**

Plaintiff Alyssa Faulstick ("Plaintiff" or "Class Representative"), individually and on behalf of others similarly situated ("the Class"), by and through her attorneys, Gabroy Law Offices, for her Class Action Complaint against Defendant Station Casinos LLC d/b/a and a/k/a KAOS Dayclub And Nightclub and Defendant Red Rock Resorts, Inc. d/b/a and a/k/a KAOS Dayclub And Nightclub (collectively "Defendants"), states as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over Plaintiff's WARN Act claim pursuant to 29 U.S.C. § 2104(a)(5).
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

**NATURE OF CLAIMS**

3. Plaintiff Alyssa Faulstick, as class representative (the “Class Representative”), brings this lawsuit under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.* (“WARN Act”), for Defendants’ failure to pay her, and other similarly situated persons, for failure to give her, and other similarly situated persons, the required 60 day notice under the WARN Act. The true names and capacities, whether individual, corporate or other business entity, of Defendants DOES 1-10 and ROE corporation 11-20 are unknown to Plaintiff. These DOE/ROE defendants may be parent companies, subsidiary companies, owners, predecessor or successor entities, or business advisors, de facto partners, Plaintiff’s employer, those holding control over Plaintiff’s employment, those allegedly responsible for the allegations contained herein, or joint venturers of any Defendant. Plaintiff is informed and believes and therefore alleges that the Defendants designated herein DOES 1-10 and ROE corporations 11-20 were responsible in some manner for the events and happenings herein referred to and damages thereby to the Plaintiff as alleged herein and were “Employer(s)” of Plaintiff as that term is defined in the WARN Act. Plaintiff will petition this Court to amend this Complaint to insert the true names of each party designated as Doe and/or Roe Defendant when said parties are ascertained. Plaintiff is informed and believes that each Defendant sued herein as DOE is responsible in some manner for the acts, omissions, or representations alleged herein and any reference to “Defendant” or “Defendants” herein shall mean “Defendants and each of them.”

4. Plaintiff hereby demands a jury trial on all issues triable by jury.

**THE PARTIES**

5. At all material times hereto, Plaintiff was Defendants’ “employee,” as that term is defined by the WARN Act.

6. Plaintiff is a resident of Clark County, Nevada.

7. Defendant Station Casinos LLC d/b/a and a/k/a KAOS Dayclub And Nightclub’s principal place of business is located in Clark County, Nevada.

1           8. Defendant Red Rock Resorts, Inc. d/b/a and a/k/a KAOS Dayclub And  
2 Nightclub's principal place of business is located in Clark County, Nevada.

3           9. Based on information and belief, at all relevant times, Defendant Station  
4 Casinos LLC was a domestic limited-liability company listed with the Nevada Secretary  
5 of State, and doing business in Clark County, Nevada.

6           10. Based on information and belief, at all relevant times, Defendant Red  
7 Rock Resorts, Inc. was a foreign corporation listed with the Nevada Secretary of State,  
8 and doing business in Clark County, Nevada.

9           11. Defendant Station Casinos LLC d/b/a and a/k/a KAOS Dayclub And  
10 Nightclub, at all material times hereto, was Plaintiff's "employer" as that term is defined  
11 by the WARN Act.

12           12. Defendant Red Rock Resorts, Inc. d/b/a and a/k/a KAOS Dayclub And  
13 Nightclub, at all material times hereto, was Plaintiff's "employer" as that term is defined  
14 by the WARN Act.

15           13. Defendants, at all relevant times, were Plaintiff's employer.

16                                   **BACKGROUND FACTS**

17           14. At all material times hereto, Defendants operated, managed, and/or  
18 owned a casino and hotel using the name "Palms Casino Resort", located at 4321 W  
19 Flamingo Rd, Las Vegas, NV 89103.

20           15. At all material times hereto, Plaintiff worked as a cocktail server for  
21 Defendants at Defendants' "KAOS Dayclub and Nightclub" located within Defendants'  
22 "Palms Casino Resort."

23                                   **FACTS COMMON TO ALL CLAIMS**

24           16. On or about November 5, 2019, Plaintiff and members of the Class were  
25 given notice for the very first time that the "KAOS Dayclub and Nightclub" would be  
26 closing and that therefore "all KAOS positions will be eliminated within the next 60  
27 days." See a true and correct copy of Defendants' November 5, 2019 letter attached  
28 hereto as Exhibit I.



1 failure to provide the required notice.

2 24. Furthermore, those Class members previously employed by Defendants  
3 may now be reluctant to raise individual claims for fear of retaliation by Defendant.

4 25. The issues involved in this lawsuit present common questions of law and  
5 fact, and these common questions of law and fact predominate over the variations  
6 which may exist between members of the class, if any. These common questions of  
7 law and fact include, without limitation:

8 a) Whether Defendants unlawfully failed to provide sufficient  
9 notice in violation of the WARN Act, 29 U.S.C. § 2101 *et seq.*;

10 b) The proper measure of damages sustained by the Class  
11 Representative and the Class Members.

12 26. The Class Representative, Class Members, and Defendants, have a  
13 commonality of interest in the subject matter and remedy sought. The Class  
14 Representative is able to fairly and adequately represent and protect the interests of the  
15 Class. The Class Representative, like other members of the Class, was subjected to  
16 insufficient notice under the WARN Act. Also, the nature and terms of Plaintiff's  
17 employment, duties and history with Defendants are typical of the duties of the Class  
18 members. Finally, Plaintiff's Counsel is competent and experienced with regard to  
19 complex civil litigation (including, but not limited to, class actions).

20 27. Individual actions by each member of the class injured or affected would  
21 result in a multiplicity of actions, creating a hardship to the Class Members, the Court,  
22 and Defendant. The damages suffered by the individual Class members are small  
23 compared to the expense and burden of vigorous individual prosecution of this litigation  
24 against Defendant. Accordingly, a class action is the superior method for the fair and  
25 efficient adjudication of this lawsuit and distribution of the common fund to which the  
26 Class is entitled.

27 ///

**COUNT I**  
**WARN Act Violation - 29 U.S.C. § 2101 et seq.**

28. Plaintiff realleges and incorporates by this reference all the paragraphs above in this Complaint as though fully set forth herein.

29. Defendants; preceding acts violated the WARN Act, 29 U.S.C. § 2102, in that Defendants failed to give any notice to the affected employees and/or any of the various government agencies to which they were required by law to give notice, in writing, at least 60 days prior to the termination and/or layoffs.

30. Defendants' employees—like Plaintiff— were terminated and/or laid off without the statutorily required 60-day notice are aggrieved and entitled to remedies provided by law.

31. As a direct and proximate result of Defendants' violations, Plaintiff - and others similarly situated - have suffered damages in excess of \$15,000.

32. Plaintiff has retained the services of an attorney to represent him in this action and, as such, is entitled reimbursement for reasonable attorneys' fees and costs.

33. Plaintiff - and others similarly situated - further seeks:

- a. Back pay for each employee of Defendants terminated or laid off without 60-day notice pursuant to 29 U.S.C. § 2104(a)(1)(A);
- b. Benefits for each employee pursuant to 29 U.S.C. § 2104(a)(1)(B);
- c. Civil penalties of \$500 per day for each day of the violation pursuant to 29 U.S.C. § 2104(3);
- d. Reasonable attorneys' fees pursuant to 29 U.S.C. § 2104(a)(6);
- e. Costs of the suit.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests this Court enter an Order in his favor as follows:

1. For an award of damages in an amount to be determined at trial;
2. For attorney's fees, interest, costs; and,

1                   3.       For such further relief as the Court may deem just and proper.  
2       Dated this 6<sup>th</sup> day of November 2019.

3                                       Respectfully submitted,

4                                       GABROY LAW OFFICES

5                   BY:       /s/ Christian Gabroy

6                                       Christian Gabroy #8805

7                                       Kaine Messer #14240

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15                                      Attorneys for Plaintiff Alyssa Faulstick

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